

that all people are created equal, endowed by the Creator with certain inalienable rights, including life, liberty, and the pursuit of happiness;

Whereas the freedom of conscience was highly valued by—

(1) individuals seeking religious freedom who settled in the colonies in the United States;

(2) the founders of the United States; and

(3) Thomas Jefferson, who wrote in a letter to the Society of the Methodist Episcopal Church at New London, Connecticut, dated February 4, 1809, that “[n]o provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprizes of the civil authority”;

Whereas the Virginia Statute for Religious Freedom was—

(1) drafted by Thomas Jefferson, who considered the Virginia Statute for Religious Freedom to be one of his greatest achievements;

(2) enacted on January 16, 1786; and

(3) the forerunner to the Free Exercise Clause of the First Amendment to the Constitution of the United States;

Whereas section 2(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(a)) states that—

(1) “[t]he right to freedom of religion undergirds the very origin and existence of the United States”; and

(2) religious freedom was established by the founders of the United States “in law, as a fundamental right and as a pillar of our Nation”;

Whereas the role of religion in society and public life in the United States has a long and robust tradition;

Whereas individuals who have studied the democracy of the United States from an international perspective, such as Alexis de Tocqueville, have noted that religion plays a central role in preserving the Government of the United States because religion provides the moral base required for democracy to succeed;

Whereas, in *Town of Greece v. Galloway*, 134 S. Ct. 1811 (2014), the Supreme Court of the United States affirmed that “people of many faiths may be united in a community of tolerance and devotion”;

Whereas the principle of religious freedom “has guided our Nation forward”, as expressed by the 44th President of the United States in a Presidential proclamation on Religious Freedom Day in 2011, and freedom of religion “is a universal human right to be protected here at home and across the globe”, as expressed by that President of the United States on Religious Freedom Day in 2013;

Whereas “[f]reedom of religion is a fundamental human right that must be upheld by every nation and guaranteed by every government”, as expressed by the 42nd President of the United States in a Presidential proclamation on Religious Freedom Day in 1999;

Whereas the First Amendment to the Constitution of the United States protects—

(1) the right of individuals to freely express and act on the religious beliefs of those individuals; and

(2) individuals from coercion to profess or act on a religious belief to which those individuals do not adhere;

Whereas “our laws and institutions should not impede or hinder but rather should protect and preserve fundamental religious liberties”, as expressed by the 42nd President of the United States in remarks accompanying the signing of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.);

Whereas, for countless people of the United States, faith is an integral part of every aspect of daily life and is not limited to the

homes, houses of worship, or doctrinal creeds of those individuals;

Whereas “religious faith has inspired many of our fellow citizens to help build a better Nation” in which “people of faith continue to wage a determined campaign to meet needs and fight suffering”, as expressed by the 43rd President of the United States in a Presidential proclamation on Religious Freedom Day in 2003;

Whereas, “from its birth to this day, the United States has prized this legacy of religious freedom and honored this heritage by standing for religious freedom and offering refuge to those suffering religious persecution”, as noted in section 2(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6401(a));

Whereas Thomas Jefferson wrote—

(1) in 1798 that each right encompassed in the First Amendment to the Constitution of the United States is dependent on the other rights described in that Amendment, “thereby guarding in the same sentence, and under the same words, the freedom of religion, of speech, and of the press: insomuch, that whatever violated either, throws down the sanctuary which covers the others”; and

(2) in 1822 that the constitutional freedom of religion is “the most inalienable and sacred of all human rights”;

Whereas religious freedom “has been integral to the preservation and development of the United States”, and “the free exercise of religion goes hand in hand with the preservation of our other rights”, as expressed by the 41st President of the United States in a Presidential proclamation on Religious Freedom Day in 1993; and

Whereas we “continue to proclaim the fundamental right of all peoples to believe and worship according to their own conscience, to affirm their beliefs openly and freely, and to practice their faith without fear or intimidation”, as expressed by the 42nd President of the United States in a Presidential proclamation on Religious Freedom Day in 1998: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) on Religious Freedom Day on January 16, 2018, honors the 232nd anniversary of the enactment of the Virginia Statute for Religious Freedom; and

(2) affirms that—

(A) for individuals of any faith and individuals of no faith, religious freedom includes the right of an individual to live, work, associate, and worship in accordance with the beliefs of the individual;

(B) all people of the United States can be unified in supporting religious freedom, regardless of differing individual beliefs, because religious freedom is a fundamental human right; and

(C) “the American people will remain forever unshackled in matters of faith”, as expressed by the 44th President of the United States in a Presidential proclamation on Religious Freedom Day in 2012.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1875. Mr. LEE (for himself, Mr. LEAHY, Mr. DAINES, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the House amendment to the bill S. 139, to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes; which was ordered to lie on the table.

SA 1876. Mr. LEE (for himself, Mr. LEAHY, Mr. DAINES, and Mr. BLUMENTHAL) submitted

an amendment intended to be proposed by him to the House amendment to the bill S. 139, supra; which was ordered to lie on the table.

SA 1877. Mr. LEE (for himself, Mr. LEAHY, Mr. DAINES, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the House amendment to the bill S. 139, supra; which was ordered to lie on the table.

SA 1878. Mrs. FEINSTEIN (for herself, Ms. HARRIS, Mr. LEAHY, and Mr. LEE) submitted an amendment intended to be proposed by her to the House amendment to the bill S. 139, supra; which was ordered to lie on the table.

SA 1879. Mr. PAUL (for himself, Mr. WYDEN, and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 139, supra; which was ordered to lie on the table.

SA 1880. Mr. PAUL (for himself, Mr. WYDEN, and Mr. MARKEY) submitted an amendment intended to be proposed by him to the House amendment to the bill S. 139, supra; which was ordered to lie on the table.

SA 1881. Mr. PAUL (for himself, Mr. WYDEN, and Mr. MARKEY) submitted an amendment intended to be proposed by him to the House amendment to the bill S. 139, supra; which was ordered to lie on the table.

SA 1882. Mr. PAUL (for himself, Mr. WYDEN, and Mr. MARKEY) submitted an amendment intended to be proposed by him to the House amendment to the bill S. 139, supra; which was ordered to lie on the table.

SA 1883. Mr. PAUL (for himself, Mr. WYDEN, and Mr. MARKEY) submitted an amendment intended to be proposed by him to the House amendment to the bill S. 139, supra; which was ordered to lie on the table.

SA 1884. Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the House amendment to the bill S. 139, supra; which was ordered to lie on the table.

SA 1885. Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the House amendment to the bill S. 139, supra; which was ordered to lie on the table.

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SA 1894. Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to

be proposed by him to the bill S. 139, supra; which was ordered to lie on the table.

SA 1895. Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 139, supra; which was ordered to lie on the table.

SA 1896. Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 139, supra; which was ordered to lie on the table.

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SA 1901. Mr. WYDEN (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 139, supra; which was ordered to lie on the table.

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#### TEXT OF AMENDMENTS

**SA 1875.** Mr. LEE (for himself, Mr. LEAHY, Mr. DAINES, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the House amendment to the bill S. 139, to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike line 1 and all that follows through page 7, line 16, and insert the following:

“(2) REQUIREMENTS FOR ACCESS AND DISSEMINATION OF COLLECTIONS OF COMMUNICATIONS.—

“(A) COURT ORDERS.—

“(i) IN GENERAL.—Except as provided under subparagraph (C), in response to a query relating to a United States person or a person reasonably believed to be located in the United States, the contents of queried communications acquired under subsection (a) may be accessed or disseminated only if—

“(I) the Attorney General submits to the Foreign Intelligence Surveillance Court an application that demonstrates that—

“(aa) there is probable cause to believe that—

“(AA) such contents provide evidence of a crime specified in section 2516 of title 18, United States Code; or

“(BB) the individual is an agent of a foreign power; and

“(bb) any use of such communications pursuant to section 706 will be carried out in accordance with such section; and

“(II) a judge of the Foreign Intelligence Surveillance Court reviews and approves such application under clause (ii).

“(ii) ORDER.—

“(I) APPROVAL.—Upon an application made under clause (i), the Foreign Intelligence Surveillance Court shall enter an order as re-

quested or as modified by the Court approving the access or dissemination of contents of communications covered by the application if the Court determines that, based on an independent review—

“(aa) the application contains all information required under clause (i);

“(bb) on the basis of the facts in the application, there is probable cause to believe that—

“(AA) such contents provide evidence of a crime specified in section 2516 of title 18, United States Code; or

“(BB) the person identified by the queried term is an agent of a foreign power; and

“(cc) the minimization procedures adopted pursuant to subsection (e) will ensure compliance with clause (i)(I)(bb).

“(II) REVIEW.—A denial of an application submitted under clause (i) may be reviewed as provided in section 103.

“(B) EXPEDITIOUS CONSIDERATION.—Any application submitted under subparagraph (A)(i) shall be considered by the Foreign Intelligence Surveillance Court expeditiously and without delay.

“(C) EXCEPTIONS.—The requirement for an order pursuant to subparagraph (A) shall not apply to accessing or disseminating communications acquired under subsection (a) if—

“(i) the Attorney General determines that the person identified by the queried term is the subject of an order based upon a finding of probable cause, or emergency authorization, that authorizes electronic surveillance or physical search under this Act or title 18, United States Code (other than such emergency authorizations under title IV of this Act or section 3125 of title 18, United States Code);

“(ii) the Attorney General—

“(i) reasonably determines that an emergency situation requires the accessing or dissemination of the communications before an order pursuant to subparagraph (A) authorizing such access or dissemination can with due diligence be obtained;

“(II) reasonably believes that the factual basis for the issuance of such an order exists; and

“(III) with respect to the access or dissemination of the contents of such communications—

“(aa) informs the Court at the time the Attorney General requires the emergency access or dissemination that the decision has been made to employ the authority under this clause; and

“(bb) may not use the contents of such communications pursuant to section 706 if the Court finds that the determination by the Attorney General with respect to the emergency situation was not appropriate; or

“(iii) there is consent provided in accordance with subparagraph (D).

“(D) CONSENT.—The requirements of this paragraph do not apply with respect to—

“(i) queries made using a term identifying a person who is a party to the communications acquired under subsection (a), or a person who otherwise has lawful authority to provide consent, and who consents to such queries; or

“(ii) the accessing or the dissemination of the contents or information of communications acquired under subsection (a) of a person who is a party to the communications, or a person who otherwise has lawful authority to provide consent, and who consents to such access or dissemination.

**SA 1876.** Mr. LEE (for himself, Mr. LEAHY, Mr. DAINES, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the House Amendment to the bill S. 139, to implement the use of Rapid DNA in-

struments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Uniting and Strengthening American Liberty Act of 2017” or the “USA Liberty Act of 2017”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to the Foreign Intelligence Surveillance Act of 1978.

#### TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE AND ACCOUNTABILITY

Sec. 101. Court orders and protection of incidentally collected United States person communications.

Sec. 102. Attorney General approval and additional protection of incidentally collected United States person communications.

Sec. 103. Limitation on collection and improvements to targeting procedures and minimization procedures.

Sec. 104. Publication of minimization procedures under section 702.

Sec. 105. Appointment of amicus curiae for annual certifications.

Sec. 106. Increased accountability on incidentally collected communications.

Sec. 107. Semiannual reports on certain queries by Federal Bureau of Investigation.

Sec. 108. Additional reporting requirements.

Sec. 109. Application of certain amendments.

Sec. 110. Sense of Congress on purpose of section 702 and respecting foreign nationals.

#### TITLE II—SAFEGUARDS AND OVERSIGHT OF PRIVACY AND CIVIL LIBERTIES

Sec. 201. Limitation on retention of certain data.

Sec. 202. Improvements to Privacy and Civil Liberties Oversight Board.

Sec. 203. Privacy and civil liberties officers.

Sec. 204. Whistleblower protections for contractors of the intelligence community.

#### TITLE III—EXTENSION OF AUTHORITIES, INCREASED PENALTIES, REPORTS, AND OTHER MATTERS

Sec. 301. Extension of title VII of FISA; effective dates.

Sec. 302. Increased penalty for unauthorized removal and retention of classified documents or material.

Sec. 303. Rule of construction regarding criminal penalties for unauthorized use of information acquired under section 702 and unauthorized disclosure of United States person information.

Sec. 304. Comptroller General study on unauthorized disclosures and the classification system.

Sec. 305. Sense of Congress on information sharing among intelligence community to protect national security.

Sec. 306. Sense of Congress on combating terrorism.

Sec. 307. Technical amendments and amendments to improve procedures of the Foreign Intelligence Surveillance Court of Review.